

UNITED STATES COURT OF APPEALS

OCT 04 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOHN HENRY SCHNEIDER,

Defendant-Appellant.

No. 18-30187

D.C. No. 1:17-cr-00077-SPW

District of Montana,

Billings

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

The court has received and reviewed appellant's motion for appointment of counsel (Docket Entry No. 11).

It is unclear whether appellant may have sufficient resources to retain counsel. The proper approach in this situation is to appoint counsel and address the eligibility issue later. Accordingly, appellant is granted leave to proceed in forma pauperis, and counsel will be appointed for purposes of this appeal.

Appellee shall, however, seek an order from this court, within 180 days after the date of this court's decision on the merits, seeking reimbursement of funds expended under the Criminal Justice Act for the cost of providing representation if appellee believes that appellant has access to sufficient funds. *See* 18 U.S.C.

§ 3006A(f); 7A Guide to Judiciary Policy §§ 210.40.30, 210.40.40. Counsel will be appointed by separate order.

The Clerk shall electronically serve this order on the appointing authority for the District of Montana, who will locate appointed counsel. The appointing authority shall send notification of the name, address, and telephone number of appointed counsel to the Clerk of this court at counselappointments@ca9.uscourts.gov within 14 days after locating counsel.

The Clerk shall also serve a Form CJA 24 on the appointing authority, who shall provide the form to newly appointed counsel. *See* 28 U.S.C. §753(f). If appellant seeks transcripts of proceedings requiring special authorization, that authorization should be obtained from the district court. *See* 6 Guide to Judiciary Policy §550.40.

The Clerk shall amend the docket to reflect that appellant is proceeding in forma pauperis.

Briefing remains suspended pending further order of the court.

The Clerk shall serve this order on appellant individually at 543 Camino De Orchidia, Encinitas, California 92024.